

and that the packages contained 1 pound thereof, whereas it contained less than 80 percent of milk fat and the packages contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 27, 1934, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of 1 cent and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

22886. Alleged adulteration and misbranding of vinegar. U. S. v. Ludolph H. Haarmann (Twin Falls Vinegar Co.). Tried to a jury. Verdict of not guilty. (F. & D. no. 32121. Sample no. 36179-A.)

This case was based on an interstate shipment of vinegar that was alleged to be adulterated and misbranded because of deficiency in acid strength and failure to declare the quantity of the contents on the container.

On June 11, 1934, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ludolph H. Haarmann, trading as Twin Falls Vinegar Co., Twin Falls, Idaho, alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about March 31, 1933, from the State of Idaho into the State of Utah, of a quantity of vinegar that was adulterated and misbranded. The article was invoiced as "60 gr. Vinegar."

It was alleged in the information that the article was adulterated in that vinegar materially below 60 grains in acid strength had been substituted for vinegar of 60 grains acid strength, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 25, 1934, the case having come on for trial before the court and a jury, a verdict of not guilty was returned.

M. L. WILSON, *Acting Secretary of Agriculture.*

22887. Adulteration and misbranding of bread. U. S. v. Purity French Bakery & Macaroni Factory and Reno French Bakery, Inc. Plea of guilty. Fine, \$120. (F. & D. no. 32127. Sample nos. 23082-A, 23791-A, 23792-A.)

This case was based on interstate shipments of alleged entire wheat bread and alleged milk bread. Examination showed that the former had not been made from entire wheat flour and that the latter was deficient in milk solids. The quantity of the contents was not declared on the labels.

On June 21, 1934, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Purity French Bakery & Macaroni Factory and Reno French Bakery, Inc., Reno, Nev., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about April 20, June 6, and June 7, 1933, from the State of Nevada into the State of California, of quantities of bread which was misbranded and part of which was also adulterated. The article was labeled in part: "Life-O'Wheat Bread 100% Entire Wheat Flour * * * Purity French Bakery, Reno, Nevada"; "Purity Milk Made Bread * * * Purity French Bakery, Reno, Nev."

Adulteration of one shipment of the "Life-O'Wheat" bread and the shipment of "Milk Made" bread was alleged in that bread made from flour not 100 percent entire wheat flour had been substituted for bread made solely, as to flour, from 100 percent entire wheat flour; and in that bread deficient in milk solids had been substituted for milk-made bread.

Misbranding of the "Life-O'Wheat" bread was alleged for the reason that the statement, "100% Entire Wheat Flour", borne on the label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since it had not been made from 100 percent entire wheat flour, but was made in part of flour other than 100 percent entire wheat flour. Misbranding of the "Milk Made" bread was alleged for the reason that the statement, "Milk Made Bread", borne on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was bread made from milk as the sole liquid com-